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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
TADAHIRO OHMI et al.

Confirmation Number: 4153

Application No.: 09/827,307

Group Art Unit: 1763

Filed: April 6, 2001

Examiner: Alejandro Mulero, Luz

Title: PLASMA PROCESSING APPARATUS AND PLASMA PROCESSING METHOD

PRE-APPEAL BRIEF REQUEST FOR REVIEWRejection Under 35 U.S.C. § 102

Claims 1 and 3-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ohmi et al. (US Patent No. 6,719,875), hereinafter Ohmi '875. Applicants respectfully traverse this rejection.

Claim 1 recites, *inter-alia*, the front surface of said auxiliary electrode is covered by an insulating material, and the back surface of said auxiliary electrode is not covered by the insulating material.

Claim 7 recites, *inter-alia*, the auxiliary electrode having a front surface covered with an insulating material and a back surface not covered by the insulating material.

Claim 8 recites, *inter-alia*, the front surface of said auxiliary electrode being covered by an insulating material and the back surface of said auxiliary electrode being not covered by the insulating material such that a difference in plasma density is created between the front surface of the auxiliary electrode and the back surface of the auxiliary electrode.

Claim 9 recites, *inter-alia*, the front surface of said auxiliary electrode is covered by an insulating material and the back surface of said auxiliary electrode is not covered by said insulating material such that a difference in plasma density is created between the front surface of the auxiliary electrode and the back surface of the auxiliary electrode.

Claim 10 recites, *inter-alia*, the front surface of said auxiliary electrode is covered by an insulating material, and the back surface of said auxiliary electrode is not covered by the insulating material.

The Examiner alleges that Ohmi '875 discloses this feature at col. 7, lines 46-53. In relevant part, Ohmi '875 discloses that "as a material for the auxiliary electrode 1503, silicon

carbide was used but a conductive material such as aluminum or the like and such a material having an insulating film formed on its surface may be used" (see Ohmi '875 at col. 7, lines 47-51). Ohmi '875 does not support the Examiner's allegation "that the front surface of the auxiliary electrode is covered with an insulating material and the back surface is not covered with an insulating material" (see page 3, lines 3-5 of the October 13, 2005 final office action).

Since Ohmi '875 neither discloses nor suggests the invention claimed in independent claim 1 and its dependent claims 3-6 and 11, or the invention in independent claims 7-10, these claims clearly are not anticipated by Ohmi '875. Thus, Applicants respectfully request that the rejection of claims 1-11 under § 102(e) over Ohmi '875 be withdrawn.

Rejections Under 35 U.S.C. § 103

Claim 7 is rejected under 35 U.S.C. § 103(a) as being obvious over Shan et al. (U.S. Patent No. 6,232,236) in view of Ohmi et al. (WO 98/39500), hereinafter (Ohmi '500) and further in view of Ohmi '875 (foreign equivalent JP 2000-40695). Applicants respectfully traverse this rejection.

Claim 7 recites, *inter-alia*, the auxiliary electrode having a front surface covered with an insulating material and a back surface not covered by the insulating material.

The Examiner acknowledged that "both Shan et al. and Ohmi et al. '500 do not expressly disclose the auxiliary electrode having a front surface covered by the insulating material and a back surface not covered by the insulating material. Ohmi et al. '875 and '675 disclose the auxiliary electrode having a front surface covered by the insulating material and a back surface not covered by the insulating material," (see page 5, the last paragraph of the October 13, 2005 final office action). The Examiner further acknowledges other deficiencies in Shan et al.

As discussed above, Ohmi '875 discloses that "as a material for the auxiliary electrode 1503, silicon carbide was used but a conductive material such as aluminum or the like and such a material having an insulating film formed on its surface may be used" (see Ohmi '875 at col. 7, lines 47-51). Ohmi '875 does not support the Examiner's allegation "that the front surface of the auxiliary electrode is covered with an insulating material and the back surface is not covered with an insulating material" (see page 3, lines 3-5 of the October 13, 2005 final office action).

Consequently, neither Shan et al., Ohmi '500, nor Ohmi '875, alone or in combination, disclose, teach or suggest the subject matter recited in claim 7. Therefore,

Applicants respectfully submit that claim 7 is distinguished from Shan et al., Ohmi '500 and Ohmi '875. Thus, reconsideration and withdrawal of the rejections based upon these references are respectfully requested.

Regarding the rejection of claims 1, 3-6 and 8-11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of US Patent No. 6,719,875, Applicants will consider filing a terminal disclaimer upon an indication of allowable subject matter.

In view of the foregoing, allowance of claims 1 and 3-11 is respectfully requested.

Respectfully submitted,

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